IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

SECOND APPEAL NO.929 OF 2005
WITH
CIVIL APPLICATION NO. 684 OF 2005

Kisan Hari Paygude (deceased)
through his legal heirs:
1A) Smt. Tanhubai Kisan Paygude
(deceased) &Ors. ...Appellants.

Vs.

Genu Sopana Paygude (Deceased0
through his legal heirs:
1) Chander Genu Paygude & Ors. ...Respondents.

....

Mr. Sachin Punde for the Appellants.
Mr. N. P. Deshpande for Respondent No.2.

.....

CORAM : DR. D.Y. CHANDRACHUD, J.

December 9, 2005.

P.C.:

Both the Courts below, in my view, were justified in coming to the conclusion that it is not open to the Appellant herein to seek possession bearing in mind the judgment of the Civil Judge (Exh.198) dated 14th November 1951. In these circumstances, the suit for declaration and injunction was correctly dismissed by both the Courts. No substantial question of law arises. There is no merit in the Second Appeal which is

accordingly dismissed.

In view of the disposal of the appeal, the Civil Application does not survive and is accordingly disposed of.

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